

REMARKS

Claims 9, 10 and 17 are pending. Claims 1-8, 11, 14-16 and 18-22 have been withdrawn, without prejudice or disclaimer, as directed to non-elected inventions. Support for the amendments can be found in the specification and claims as filed. No new matter has been added.

In the pending Office Action, a restriction requirement has been issued contending that the pending claims are drawn to more than one invention. Specifically the Examiner listed five separate inventions:

- Group I: claims 1-3 and 8 drawn to a method of screening or testing for candidate anti-fungal compounds that impair 1-phosphatidylinositol-4phosphate 5-kinase enzyme (MSS4) function.
- Group II: claims 4-7 drawn to modified eukaryotic cell, wherein the cell expresses fungal MSS4.
- Group III: claims 9-10 and 17 drawn to a compound, which impairs MSS4 function and a composition comprising said MSS4 inhibitor.
- Group IV: claims 11 drawn to a MSS4 protein from *Candida* or *Aspergillus*.
- Group V: claims 14-16 and 18-22 drawn to a method for the treatment and prevention of fungal infection in a host by administering effective amount of MSS4 inhibitor.

Pursuant to 37 C.F.R. §1.142, Applicant elects Group III (*i.e.* claims 9, 10 and 17) without traverse. Claim 9 has been amended to incorporate the limitations of Claim 1 and Claim 17 has been amended to incorporate the limitations of original Claim 8. Applicant reserves the right pursuant to 35 U.S.C. §121 to file one or more divisional applications directed to the non-elected inventions during the pendency of the present application.

CONCLUSION

Applicant submits the above amendments and remarks in response to the Office Action dated February 25, 2009, setting a one month or thirty (30) days shortened statutory response period for reply. Applicant believes that the present response is timely filed. If additional fees are due in connection with the present submission, the Commissioner is hereby authorized to charge any fees required to deposit account No. 23-2415, referencing Attorney Docket No. 35813.709.831.

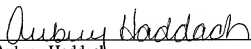
If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (858) 350-2319.

Respectfully submitted,

WILSON SONSINI GOODRICH & ROSATI

Professional Corporation

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Aubrey Haddach
Registration No. 48,374

650 Page Mill Road
Palo Alto, CA 94304
Direct Dial: (858) 350-2352